

Message Text

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TO AMEMBASSY BONN NIACT IMMEDIATE
USDEL SECRETARY IMMEDIATE
INFO USMISSION USBERLIN IMMEDIATE
AMEMBASSY BERLIN IMMEDIATE
AMEMBASSY LONDON PRIORITY
AMEMBASSY MOSCOW PRIORITY
AMEMBASSY PARIS PRIORITY
USMISSION USNATO PRIORITY

C O N F I D E N T I A L STATE 177958 TOSEC 080076

E.O. 11652: GDS

TAGS: PGOV, BQG

SUBJECT: PROPOSED ALLIED DEMARCHE TO SOVIETS ON SENTENCING
OF HUEBNER

REF: BONN 12804
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1. THE DEPARTMENT CAN ACCEPT IN PRINCIPLE THE FRG REQUEST
THAT THE ALLIES RAISE THE HUEBNER CASE WITH THE SOVIETS AND
THAT WE PUBLICIZE OUR DEMARCHE IN SOME WAY. EMBASSY MAY IN-
FORM FRG OF OUR WILLINGNESS TO PROCEED ON CONSIDERATION OF
SPECIFIC TEXTS IN THE BONN GROUP AND TO DISCUSS THE QUESTION
AT THE QUADRIPARTITE BREAKFAST FOR FOREIGN MINISTERS ON

JULY 17 IF THE FRG WISHES TO RAISE THE MATTER IN THAT FORUM.

2. FYI AND NOT FOR DISCUSSION IN THE BONN GROUP: IT IS OUR UNDERSTANDING AND PREFERENCE THAT NO ALLIED APPROACH TO THE SOVIETS OR ALLIED PUBLIC STATEMENT WILL BE MADE UNTIL AFTER JULY 18. WE WOULD NOT WISH TO BURDEN THE PRESIDENT'S VISIT AND THE SUMMIT ADDITIONALLY WITH SUCH AN ACTION. THE PRESIDENT HAS BEEN PROVIDED WITH AMPLE MATERIAL ON HUEBNER WHICH WOULD ENABLE HIM TO RESPOND TO QUESTIONS WHICH MAY BE ASKED DURING HIS VISIT TO THE FRG AND BERLIN.

3. WE CAN AGREE TO RECONFIRMING TO THE SOVIETS THE ALLIED POSITION THAT DEMILITARIZATION APPLIES TO ALL FOUR SECTORS OF BERLIN AND THAT HUEBNER'S CONVICTION AND SENTENCING IS CONTRARY TO THAT DEMILITARIZED STATUS. WE BELIEVE, HOWEVER, THAT THE DEMARCHE SHOULD BE RESTRICTED TO THE IMPORTANT LEGAL PRINCIPLE OF DEMILITARIZATION AND SHOULD NOT INCLUDE THE SUBSIDIARY POINTS CONCERNING THE LENGTH OF THE SENTENCE RAISED BY THE FRG (PARA 1 OF REFTTEL) WHICH COULD IMPLICITLY GIVE LEGITIMACY TO THE GDR'S ACTION AND THEREBY WEAKEN THE BASIC ALLIED ARGUMENT. WE BELIEVE THAT THE DEMARCHE SHOULD REFER TO THE SENTENCING OF HUEBNER BUT THAT IT SHOULD NOT INCLUDE ANY OF THE SPECIFICS OF HUEBNER'S CASE, E.G., MOTIVATION, LENGTH OF SENTENCE, CHARACTER. CHRISTOPHER

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